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THE HISTORY OF THE DEPARTMENT OF STATE

VII

DUTIES OF THE DEPARTMENT OF STATE

Having considered in former numbers of this JOURNAL the sometime and occasional duties of the Department, including among them certain contingent duties which it has never been called upon to perform, we may now advance to a consideration of its habitual functions.

The organic act of the Department prescribed that the Secretary of State should keep "the seal of the United States." It is the mark of the supreme authority of the United States, and before the government went into operation under the Constitution, was in the custody of the Secretary of Congress, being used to verify all important acts, whether executive or legislative; but the debate on executive departments in the first constitutional congress indicated that Congress did not contemplate keeping the seal any longer, and thought it would necessarily pass to the custody of the Executive. The President did, in fact, take it under his control as soon as he assumed office and before legal provision had been made for it.

By the terms of section 7 of the Act of September 15, 1789, the Secretary of State became the keeper of the seal and the fourth section of the act provided:

* * * that the said secretary * * * shall make out and record, and shall affix the said seal to all civil commissions to officers of the United States to be appointed by the President, by and with the advice and consent of the Senate, or by the President alone: *Provided*, That the said seal shall not be affixed to any commission, before the same shall have been signed by the President of the United States, nor to any other instrument or act, without the special warrant of the President therefor.

And the third section said:

That the seal heretofore used by the United States in Congress assembled, shall be, and hereby is declared to be, the seal of the United States.

The device adopted for the seal by the Continental Congress was, therefore, continued, and the Secretary of State became the custodian of the arms of the United States.

The first committee to design the arms and seal was appointed by the Continental Congress July 4, 1776, and was composed of Benjamin Franklin, John Adams and Thomas Jefferson.¹ The design reported by them on August 20 was not accepted, and nothing further was done on the subject until March 25, 1780, when James Lovell, of Massachusetts, John Morin Scott, of New York, and William Churchill Houston, of New Jersey, were appointed a committee to take into consideration the report of the first committee. They reported on March 10 "a device of a Great Seal for the United States in Congress assembled," and advised also: "A minature of the face of the Great Seal to be prepared of half the diametre, to be affixed as the less seal of the United States."

The design submitted by this committee shared the fate of the first committee's design, and in 1782 Congress named another committee, composed of Arthur Middleton, of South Carolina, Elias Boudinot, of New Jersey, and John Rutledge, of South Carolina, to report on the subject again. This committee called into consultation William Barton, A. M., of Philadelphia, a scholar and a student of heraldry, who submitted designs for both obverse and reverse. They were turned over to Charles Thomson, the Secretary of Congress, who improved upon Barton's design; and from this improvement Barton designed what is now the arms of the United States. It was adopted July 20, 1782, as follows:

On report of the secretary, to whom were referred the several reports on the device for a great seal, to take order.

The device for an armorial achievement and reverse of the great seal of the United States in Congress assembled, is as follows:

ARMS. Paleways of thirteen pieces, argent and gules; a chief, azure; the escutcheon on the breast of the American eagle displayed proper, holding in his dexter talon an olive branch, and in his sinister a bundle of thirteen arrows, all proper, and in his beak a scroll, inscribed with this motto, "*E Pluribus Unum*."

¹ See the History of the Seal of the United States (Hunt), Washington, Department of State, 1909.

For the CREST. Over the head of the eagle, which appears above the escutcheon, a glory, or, breaking through a cloud, proper, and surrounding thirteen stars, forming a constellation, argent, on an azure field.

REVERSE. A pyramid unfinished. In the zenith, an eye in a triangle, surrounded with a glory proper. Over the eye these words, "*annuit cœptis*."

On the base of the pyramid the numerical letters *MDCCLXXVI*. And underneath the following motto, "*Novus ordo Seclorum*."

REMARKS AND EXPLANATION

The escutcheon is composed of the chief & pale, the two most honorable ordinaries. The pieces, paly, represent the several States all joined in one solid compact entire, supporting a chief, which unites the whole and represents Congress. The motto alludes to this Union. The pales in the arms are kept closely united by the chief and the chief depends on that Union and the strength resulting from it for its support, to denote the confederacy of the United States of America and the preservation of their Union through Congress. The colours are those used in the flag of the United States of America; white signifies purity and innocence, red, hardness or valour, and blue, the colour of the chief signifies vigilance, perseverance and justice. The olive branch and arrows denote the power of peace and war which is exclusively vested in Congress. The constellation denotes a new State taking its place and name among other sovereign powers. The escutcheon is borne on the breast of an American eagle without any other supporters, to denote that the United States of America ought to rely on their own virtue.

Reverse. The pyramid signifies strength and duration; the eye over it and the motto allude to the many signal interpositions of Providence in favour of the American cause. The date underneath is that of the Declaration of Independence and the words under it signify the beginning of the new American æra, which commences from that date.

The reverse was not cut at the time the seal was adopted, and has never been officially used as a part of the seal. In 1882, that year marking a century of use of the seal, a great deal of popular interest was shown in it, and the government was urged by a number of people to cause the reverse to be cut. On January 10, 1883, the Secretary of State, Theodore F. Frelinghuysen, addressed the Chairman of the Committee on Appropriations of the House of Representatives, with reference to cutting a new seal and said that the reverse ought to be cut, as "a proper respect to pay to the founders of this Government, at this time, to carry out the purpose so clearly expressed by them in Congress June 20, 1782." Accordingly, Congress appropriated, by

Act of July 7, 1884, the sum of \$1,000, "to enable the Secretary of State to obtain dies of the obverse and reverse of the seal of the United States."²

The Department called into consultation over the question of the designs Mr. Justin Winsor, the historian, Professor Charles Eliot Norton, of Harvard, William H. Whitmore, an authority on heraldry, and John Denison Champlin, jr., an authority on engraving and art. One result of the consultation was that the Department changed its intention with respect to the reverse and determined not to cut it. Mr. Winsor said, in his letter to Theodore F. Dwight, the Chief of the Bureau of Rolls and Library, that it was "both unintelligent and commonplace," adding: "If it can be kept in the dark, as it seems to have been kept, why not keep it so?" All agreed that it should go unnoticed, and that part of the law of 1884, which authorized its being cut, was not made effective.

The first seal was cut in 1782 and is found on a commission dated September 16, 1782, giving full authority to General Washington to arrange for an exchange with Great Britain of a number of prisoners of war. This seal continued in use for fifty-nine years, when in 1841 another one was made, Daniel Webster being the Secretary of State; but there was careless oversight of the engraving of the second seal, and in the eagle's sinister talon were placed six arrows, instead of the thirteen required by law. Nevertheless the seal continued to be used until a new one was cut in 1885, under the authority of the Act of 1884. The designer of this seal was James Horton Whitehouse, chief designer for Messrs. Tiffany & Company, of New York, and the new seal was really an enlargement and a modern interpretation of the seal of 1782, that design having been determined upon as a result of the consultation with the specialists already named.

In 1902 it was determined to cut another seal, that of 1884 having become worn and authority for the purpose was given by the Act of July 1, 1902.³

Before the Act was put into effect a discussion arose among the officers of the Department on the subject of the design. On one side

² 23 Stat. 194.

³ 32 Stat. 552.

it was thought that the design in use was not the best obtainable and that an artist of high repute should be called in to draw a new one. In fact, there was preliminary consultation with such an artist. On the other side it was insisted that a new design would certainly vary from the original seal; that there must be a stable interpretation of the American arms; that the seal of 1884 had been made with great care after free consultation with experts; that it had been generally accepted by other government departments; was used on the uniform of the army and the President's flag in the navy, and that it should be adhered to. To this conclusion the Department definitely came, after full consideration, and the expenditure authorized by Congress for cutting the seal not having been made, the amount was reappropriated by Act of July 1, 1903, in the following terms:

To enable the Secretary of State to have the Great Seal of the United States recut from the original model, and to purchase a suitable press for its use and a cover to protect the same from dust, the sum of one thousand two hundred and fifty dollars, appropriated by the deficiency act approved July first, nineteen hundred and two "to enable the Secretary of State to have the Great Seal of the United States recut" is hereby reappropriated for the purposes above mentioned.⁴

The use of the words "original model" in the law effectually put at rest the question of making a new design; but precisely what it meant beyond this is not clear. The seal of 1782 was the original seal; and the seal of 1884 had been made to conform to it in all essentials. In default of there being any other "original model" the Department interpreted the law as meaning that there should be no departure from the design in use. The new model was accordingly cut on precisely the same model as the seal of 1884.

Another interesting discussion on the subject of the seal had occurred in 1897, between Rear Admiral French C. Chadwick, United States Navy, Chief of the Bureau of Equipment of the Navy Department, and the Department of State through Honorable William W. Rockhill, the Assistant Secretary. The Navy Department being engaged in designing the President's flag, which is the arms of the United States upon a blue field, wished their interpretation of the

⁴ 32 Stat. 1032.

arms to be in accurate agreement with the seal; but in arranging the colors of the pales or stripes of the shield, the colors being the same as those used in the flag of the United States, it was questioned whether the arrangement should not be the same — that is to say, alternate red and white, instead of white and red as indicated by the heraldic lines engraved upon the seal.

Admiral Chadwick suggested to Mr. Rockhill that, as the law providing for the seal required that the colors of the shield should be the same as those of the flag, the intent was that the order of arrangement should be the same. Upon full explanation of the history of the seal, however, he agreed that the language of the law required an arrangement different from that of the flag. It was hinted that it might be proper to ask Congress to change the law so as to make the flag and arms in full agreement, but the Department has not thus far shown an inclination to favor a change. The Continental Congress having deliberately adopted the existing arrangement, putting the white, signifying purity and innocence, before the red, signifying hardiness and valor, had a purpose which should be respected.

The Act of 1789 established "the seal of the United States," using the same designation, as we shall see presently, that Washington employed before the seal was given into the keeping of any department. It was not clear until the passage of this Act that there was to be no lesser seal. The committee of 1780 in the Continental Congress had recommended one. Vining's plan for a home department, offered in the House July 23, 1789, prescribed that the head of that department was not only "to keep the great seal," but "to keep the lesser seal, and to affix it to commissions, etc." Opponents of the bill said the Secretary of Foreign Affairs could keep both seals. But when all idea of a greater and lesser seal was abandoned there ceased to be full reason for calling the only seal the great seal. The law, therefore, prescribed simply "the seal of the United States," and by the Department it is always so designated; but the appropriation acts of 1902 and 1903 described it as "the great seal," and so did the decision of the Supreme Court in 1803, in speaking of its uses. While the more accurate designation is the seal of the United States the use of the term great seal is common and not incorrect.

The law making the Secretary of State the custodian of the seal expressly forbade him to affix it to any commission until it should be signed by the President, "nor to any other instrument or act, without the special warrant of the President therefor." In the famous case of *Marbury v. Madison*, the Supreme Court, through Chief Justice Marshall, said in 1803:

The signature [of the President] is a warrant for affixing the great seal to the commission, and the great seal is only to be affixed to an instrument which is complete. It attests, by an act supposed to be of public notoriety, the verity of the presidential signature.

It is never to be affixed till the commission is signed, because the signature which gives force and effect to the commission, is conclusive evidence that the appointment is made.

The commission being signed, the subsequent duty of the Secretary of State is prescribed by law, and not to be guided by the will of the President. He is to affix the seal of the United States to the commission, and is to record it.⁵

Before the Department of State was created the recital used on a presidential commission was:

In testimony whereof I have caused these letters to be made patent and the seal of the United States to be hereunto affixed. Given under my hand the day of in the year of our Lord one thousand seven hundred and eighty nine.

The President's signature followed, but there was no countersignature. This form (using, it will be observed, the term seal of the United States) continued in use after the seal passed to the Secretary of State's custody and was not changed till August 3, 1790, when the recital was made to include the year of independence, and the instrument was countersigned by the Secretary of State. The recital on the commission to General Washington to exchange prisoners ran:

In testimony whereof we have caused these letters to be made patent and the Great Seal of the United States of America to be thereunto affixed. Witness His Excellency John Hancock President of the United States in Congress assembled the Sixteenth day of September and in the year of our Lord one thousand seven hundred and eighty-two, and of our Sovereignty and Independence the seventh.

⁵ 1 Cranch 156.

The recital now used may be seen in the commissions cited further on in this paper.

Under the law the Secretary of State has authority to affix the seal to presidential commissions as soon as they are signed. For "any other instrument or act" he must have the special warrant of the President to affix it. The other instruments are commonly proclamations, treaties and conventions, communications to foreign rulers, full powers to American envoys and warrants of extradition. To authorize the Secretary of State to affix the seal to these it has always been construed that a separate warrant was necessary. The same form has been in use from the beginning and is as follows:

THE WHITE HOUSE, [formerly EXECUTIVE MANSION]

Washington, [Date]

I hereby authorize and direct the Secretary of State to cause the Seal of the United States to be affixed to

[nature of the instrument.]

dated this day, and signed by me; and for so doing this shall be his warrant.

[Signature of the President.]

The seal was to be affixed, the law said, "to all civil commissions to officers of the United States to be appointed by the President by and with the advice and consent of the Senate or by the President alone." This left only army and navy officers to be commissioned under other seals; but as the business of the government has expanded the inconvenience of having the seal attached to commissions of officers serving under other departments than the Department of State has been recognized. By Act of March 18, 1874,⁶ the commissions of postmasters were directed to be made out under the seal of the Postoffice Department; the Act of March 3, 1875,⁷ placed the commissions of officers of the Interior Department under that Department; by Act of August 8, 1888,⁸ all judicial officers, marshals and United States attorneys were ordered to be appointed under the seal of the Department of Justice. By executive order

⁶ 18 Stat. 23.

⁷ 18 Stat. 420.

⁸ 25 Stat. 387.

of President Cleveland, June 16, 1893, warrants of pardon and commutations of sentence granted to offenders convicted in the courts of the United States were thereafter to be issued under the seal of the Department of Justice.

At the present time the seal is affixed to the commissions of all cabinet officers and diplomatic and consular officers who are appointed by the President by and with the advice and consent of the Senate; to ceremonious and official communications to the heads of foreign governments; to all treaties, conventions and formal agreements of the President with foreign powers; to all proclamations by the President; to all exequaturs to foreign consular officers in the United States who are appointed by the heads of the governments which they represent; to warrants by the President to take fugitives from the justice of the United States into custody under extradition treaties; and to all miscellaneous commissions of civil officers appointed by the President with the consent of the Senate, whose appointments are not by law directed to be signed under a different seal.

The die of the seal cut in 1782 was of brass and had no matrix. A wafer of wax was placed upon the document, a thin sheet of paper was laid over the wafer and the seal was then impressed. The documents sealed by the Continental Congress contain the seal in the upper left hand corner. This position was continued under the new government for a time, when it was changed and put at the end of the body of the document alongside of the closing formal recital and to the left of it, the Secretary of State's signature being written under the seal.

All of the committees which made designs for the seal designed a reverse and one was finally adopted. It is evident, therefore, that it was expected to use a pendant seal commonly, as most of the States did at that time; but the seal was never used pendantsly by the Continental Congress. After the organization of the Department of State it was affixed pendantsly to a few instruments, but a separate pendant seal was not provided until about 1856, when one was made at the State Department's instance, or upon an understanding with the Department, by Samuel Lewis, a jeweller in

Washington. It was about six inches in diameter and was used only on treaties. It was kept by Mr. Lewis, being, as it appears, his property, and whenever a seal for a treaty was desired he furnished an impression in wax with the gold or silver box in which it was to be placed, the cover of which had the arms stamped upon it in relief. The cords or ribbons passing through the document and the wax were adjusted at the Department. In 1869 the use of a separate seal for treaties was abandoned, and since then the seal has been impressed upon the document itself in all cases.

From the time the seal was made, until he turned it over to his deputy Roger Alden, Charles Thomson, Secretary of Congress, was its actual custodian. Alden had it during the interval between the old and the new government and afterwards, as the chief of the Home Office in the Department of State, until he resigned in 1790. Thereafter the seal undoubtedly continued in the custody of the Home Office as long as that subdivision of the Department existed. In 1808 Stephen Pleasenton, who made out all civil commissions, must have been its keeper. When Secretary Louis McLane organized the Bureau of Archives, Laws and Commissions in 1833, the seal was put in that office; but in 1834 when Secretary John Forsyth enlarged the Home Bureau he placed it there, where it remained, until in 1839 a Bureau of Exequaturs and Commissions was formed. In 1841 this bureau disappeared and the seal passed to the care of the commission clerk, who under varying designations has continued in charge of it ever since. In 1852 George Bartle of Virginia was assigned to duty as commission clerk and had the seal under his care for forty-seven years until his death in 1899, a longer time than any other of its custodians. His successor was Robert Brent Mosher until his resignation in 1905, he being succeeded by Charles Ray Dean, who resigned in 1908, he being succeeded after an interval in that year by Miles M. Shand, the present custodian.

The recording of commissions which the law requires shall be done by the Secretary of State after the affixing of the seal, is a duty which is now performed upon practically the same plan as that which existed in 1789. The commission is written in the Bureau of Appointments and sent to the President. Being returned

with his signature it is countersigned by the Secretary of State, or the Acting Secretary, and the seal is then affixed. It is then recorded and delivered to the person for whom it is intended, together with the oath of office, which he is expected to execute and return to the Department. The nomination to the Senate which precedes most presidential appointments is in the following form, no change having been made in it, and is prepared by the Bureau of Appointments.⁹

It is as follows :

THE WHITE HOUSE, [formerly EXECUTIVE MANSION]
[Date.]

To the Senate of the United States.

I nominate [name of person and of office for which he is named.]
[President's signature.]

The form of commission for a cabinet officer is as follows, being the same since the foundation of the government :

James Madison, President of the United States of America,

To all who shall see these presents Greeting :

Know ye, That reposing special Trust and Confidence in the Patriotism, Integrity and Abilities of Walter Jones, of Pennsylvania, I have nominated, and by and with the advice and consent of the Senate do appoint him Secretary of the Navy of the United States, and do authorize and empower him to execute and fulfill the duties of that office according to Law ; and to have and to hold the said office with all the powers, privileges and emoluments to the same of right appertaining during the pleasure of the President of the United States for the time being.

In testimony whereof, I have caused these Letters to be made patent and the Seal of the United States to be hereunto affixed.

[SEAL] Given under my hand at the City of Washington, the Twelfth day of January in the year of our Lord 1813, and of the Independence of the United States the Thirty seventh.

JAMES MADISON.

By the President

JAMES MONROE, *Secretary of State*.

For a judicial officer the form was, when they were made out in the Department of State :

George Washington, President of the United States of America.

To all who shall see these Presents Greeting :

Whereas the office of one of the Associate Justices of the Supreme

⁹ Bureau of Appointments, blank forms and record books.

Court of the United States is at present vacant, Know ye, That reposing special trust and confidence in the wisdom, uprightness, and learning of Thomas Johnson of Maryland, I do appoint him one of the Associate Justices of the said Supreme Court of the United States, and do authorize and empower him to execute and fulfil the duties of that office according to the Constitution and Laws of the said United States and to have and to hold the said office with all the Powers, Privileges, and Emoluments to the same of Right appertaining, unto him the said Thomas Johnson during his good behaviour, and until the end of the next session of the Senate of the United States, and no longer.

In testimony whereof, I have caused these Letters to be made patent and the Seal of the United States to be hereunto affixed.

[SEAL] Given under my hand at the City of Washington, the fifth day of August in the year of our Lord 1791, and of the Independence of the United States the twenty fifth.

G^o. WASHINGTON,

By the President.

TH. JEFFERSON, *Secretary of State*.

This commission was, it will be observed, for an appointment made during a recess of the Senate.

The form for a diplomatic officer is as follows. It is the same as that used April 20, 1790, in the commission given to William Short, the first diplomatic officer appointed by President Washington.

Abraham Lincoln, President of the United States of America,

To Cassius M. Clay, of Kentucky, Greeting,

Reposing special trust and confidence in your Integrity, Prudence and Ability, I have nominated, and by and with the advice and consent of the Senate do appoint you Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Spain, authorizing you, hereby, to do and perform all such matters and things as to the said place or office doth appertain, or as may be duly given you in charge hereafter, and the said office to hold and exercise during the pleasure of the President of the United States for the time being.

In testimony whereof, I have caused these Letters to be made patent and the Seal of the United States to be hereunto affixed.

[SEAL] Given under my hand at the City of Washington, the Fourteenth day of March in the year of our Lord 1861, and of the Independence of the United States the Eighty-fifth.

ABRAHAM LINCOLN.

By the President.

WILLIAM H. SEWARD,

Secretary of State.

For a consul the form was:

George Washington, President of the United States of America,

To all who shall see these Presents, Greeting:

Know ye, that reposing special Trust and Confidence in the Abilities and Integrity of Samuel Shaw of Massachusetts, I have nominated and by and with the advice and consent of the Senate do appoint him Consul of the United States to reside at Canton, China, And do authorize and empower him to have and to hold the said office and to exercise and enjoy all the Rights, Preeminences, Privileges and Authorities to the same of Right appertaining, during the pleasure of the President of the United States for the time being. He demanding and receiving no fees or perquisites of office whatever. And I do hereby enjoin all Captains, Masters and Commanders of ships, and other vessels, armed or unarmed, sailing under the flag of the United States, as well as all other of their citizens to acknowledge and consider him the said Samuel Shaw accordingly. And I do hereby pray, and request his Imperial Majesty the Emperor of China, and his Governors and officers, to permit the said Samuel Shaw fully and peaceably to enjoy and exercise the said office without giving or suffering to be given unto him, any molestation or trouble, but on the contrary to afford him all proper countenance and assistance; I offering to do the same for all those who shall, in like manner, be recommended to me by his said Imperial Majesty.

In testimony whereof, I have caused these Letters to be made patent, and the Seal of the United States to be hereunto affixed.

[SEAL] Given under my hand at the City of New York the tenth day of February, in the year of our Lord, one thousand seven hundred and ninety.

G^o. WASHINGTON.

A consul being appointed in a country where there were other American consuls received a commission with the following variation, the example being taken from the commission to Joshua Johnson, August 3, 1790:

* * * Consul of the United States of America for the Port of London in the Kingdom of Great Britain, and for such parts of the said Kingdom as shall be nearer to the said Port than to the residence of any other Consul or Vice-Consul of the United States in the said Kingdom.

The only changes in the form of the consular commission have been that after the words "fees or perquisites of office whatever," there were added: "which shall not be expressly established by some law of the said United States," and in 1910 after the name of the

place to which the consul is appointed were added the words "and its prescribed district."

The form of exequatur issued to a foreign consul has not changed. If his commission is from the head of the state which he represents, the recognition is by the President. If it is from a lesser authority it is by the Secretary of State, the form being the same, *mutatis mutandis*.

William Howard Taft, President of the United States of America,

Satisfactory evidence having been exhibited to me that Henri Francastel has been appointed Consul of France at New Orleans, Louisiana, for the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma and Tennessee and the Territory of New Mexico, I do hereby recognize him as such and declare him free to exercise and enjoy such functions, powers, and privileges as are allowed to the consuls of the most favored nations in the United States.

In testimony whereof &c.

[February 27, 1911.]

The seal of the United States is placed on the outside of the envelope which contains a letter from the President to the head of a foreign government. It is customary to send a copy of the letter with the original and the original often remains unopened in the sealed envelope. What are known as ceremonious letters are communications usually of a congratulatory or condolatory character, couched in complimentary language which is without signification. They are written in the Department by some officer or clerk who understands the art of correctly turning the sentences and following the prescribed forms. The Continental Congress wrote many of these letters.

The following, which is one of the earliest signed by the President, was written in consequence of the official news of the death of the Dauphin of France.¹⁰ It is warmer in tone than is customary, but does not differ in style from a letter at the present day from the President to a head of government.

To the King of France.

Great and beloved Friend and Ally.

By the change which has taken place in the national Government of the United States, the honor of receiving and answering your Majesty's

¹⁰ Bureau of Indexes and Archives, Letters of Credence.

letter of 7th of June, to "the President and Members of Congress," has devolved upon me.

The painful event communicated in it, could not fail to affect the sensibility and excite the Regret of the People of the United States, who have so much reason to feel an Interest in whatever concerns the Happiness of your Majesty, your Family and Nation. They very seriously condole with you on the occasion and are sensible how greatly the Misfortune must have been enhanced by those Qualities in the Dauphin, which promised to have rendered that Prince a Blessing, not only to his Family, but to his Nation.

Permit me to assure your Majesty of the unceasing Gratitude and Attachment of the United States, and of our Prayers that the Almighty will be pleased to keep you, our Great and beloved Friend and Ally, under his constant Guidance and Protection.

New York the ninth day of October 1789.

G^o. WASHINGTON.

[Sealed on the outside.]

Another class of President's letter of greater importance is the "letter of credence" given to an American diplomatic representative to present to the head of the government to which he is accredited. The form has undergone no changes.

To the Queen of Portugal.

Great and good Friend,

Desirous to promote a friendly and useful intercourse between the subjects of your Majesty and the Citizens of these states, and to give proofs of our good will and consideration towards your Majesty, I have named David Humphreys, one of our distinguished citizens, Minister Resident for the United States of America near your Majesty. He knows the interest we take, and shall ever take, in your prosperity and happiness; and I beseech your Majesty to give entire credence to whatever he shall deliver on our part, and most of all when he shall assure you of the sincerity of our Friendship.

I pray God to keep you, Great and Good Friend, under his holy protection.

Written at Philadelphia the twenty-first of February 1791.

Your Good Friend,

G^o. WASHINGTON.

By the President:

TH. JEFFERSON.

The letters of credence and ceremonious letters are prepared in the Diplomatic Bureau and recorded in the Bureau of Indexes and Archives.

As the bureau in which all commissions are recorded the Bureau of Appointments prepares and records the commissions of clerks. The form of appointment observed by the first Secretary is given in a previous number of this JOURNAL (January, 1909, p. 148). Slight modifications have occurred since.

In 1817 it was as follows:

In pursuance of authority under the Act of Congress passed on the eleventh day of September, 1789, entitled "An Act for establishing the salaries of the executive officers of the government with their assistants and clerks," I do hereby appoint John Bailey, a clerk in the Department of State.

Given under my hand at Washington this first day of October 1817.

JOHN QUINCY ADAMS.

In 1870 it was as follows:

DEPARTMENT OF STATE,

Washington *1st June, 1870.*

I hereby appoint Sevellon A. Brown of New York, to be a clerk of the fourth class, in the Department of State, of the United States, during the pleasure of the Secretary of State for the time being, with a salary at the rate of eighteen hundred dollars per annum.

HAMILTON FISH,

Secretary of State.

After the enactment of the Civil Service Law it became:

July 24, 1884.

The United States Civil Service Commission having certified to me that Edward C. Stewart of the District of Columbia has satisfactorily passed an examination in pursuance of the provisions of Section 5, Rule VII of the Civil Service Rules, I hereby appoint him &c ———

the words "during the pleasure of the Secretary of State" being omitted.

The existing form states how the vacancy which is being filled was occasioned.

DEPARTMENT OF STATE,

Washington,

May 8, 1907.

I hereby appoint Wilbur J. Carr to be Chief Clerk of the Department of State, with a salary at the rate of three thousand dollars per annum under the provisions of Civil Service Rule XI, vice Charles Denby, promoted.

ELIHU ROOT,

Secretary of State.

Every clerk or officer serving under the government is required after his appointment and before he enters upon his duties to take the oath of allegiance. The early forms used have been given before (see this JOURNAL, January, 1909, p. 150). The Act of August 6, 1861,¹¹ formulated the iron clad oath:

I do solemnly swear that I will support, protect, and defend the Constitution and Government of the United States against all enemies, whether domestic or foreign; and that I will bear true faith, allegiance, and loyalty to the same, any ordinance, resolution, or law of any State, convention or legislature to the contrary notwithstanding; and, further, that I do this with a full determination, pledge, and purpose, without any mental reservation or evasion whatever; and, further, that I will well and faithfully perform all the duties which may be required of me by law so help me God.

This was repeated by the Act of May 13, 1884,¹² and the one form prescribed by 1757 of the Revised Statutes remains:

I do solemnly swear that I will support and defend the Constitution of the United States against all enemies foreign and domestic; that I will bear true faith and allegiance to the same and that I take this obligation freely without any mental reservation or purpose of evasion and that I will well and faithfully perform the duties of the office upon which I am about to enter.

Not only is every one appointed to office required to take this oath; but he is required to take a fresh oath every time he may be promoted and receive a new commission.

The Bureau of Appointments not only has charge of appointments to office, but of resignations, dismissals and suspensions and records the dismissals and suspensions. It was an irregular custom in the earlier days of the government for an officer who resigned to return the commission under which he served to the appointing power. When General Washington resigned as Commander-in-Chief of the American Army in 1783 he handed his commission to the President of Congress and it is now a part of the archives of the Continental Congress. When Robert Smith resigned as Secretary of State in 1811 he handed his commission to President Madison. There are or were a number of resigned commissions

¹¹ 12 Stat. 326.

¹² 23 Stat. 22.

among the archives of the Department. In 1831, when John Branch resigned as Secretary of the Navy under Andrew Jackson, he sent his commission to the President, who returned it saying: "It is your own private property, and by no means to be considered part of the archives of the government. Accordingly I return it." There are no instances in recent years of the surrender of the commission. If a resigning officer should send the document to the President or the Department it would be the duty of either to return it to him.

Not only the resignations from office but the applications and recommendations for office are part of the archives of this bureau. These papers relate to all offices which are or were under the jurisdiction of the Department and are addressed to either the President or the Secretary of State. Some Presidents have filed all papers, even of the most intimate and confidential character, relating to appointments with the Department; but others have carried many such papers away as their personal correspondence. They form an interesting index to the attitude of public opinion towards executive offices. Applications and recommendations in the first administration fall under five heads.¹³

First. Those which relate exclusively to the fitness of the applicant for the duties of the office, this group being much the largest.

Second. Those in which the performance of military service constitutes one of the reasons advanced for asking for the office.

Third. Those in which continuance in an office, already existent under the old government is asked.

Fourth. Those in which the necessitous circumstances of the applicant are advanced as a reason, and

Fifth. Those in which the political opinions of the applicant are brought forward as a reason for his appointment.

The fifth group was much the smallest under Washington. It was still insignificant under John Adams; it became large and important under Thomas Jefferson; it sank into insignificance under James Madison, James Monroe and John Quincy Adams, and loomed into overweening proportions under Andrew Jackson. Thereafter

¹³ See Calendar of Applications and Recommendations for Office During the Presidency of George Washington (Hunt), Government Printing Office, 1901.

it rose and fell, being always, however, large, until in the past seven years it has dwindled rapidly. Its size is, of course, affected by the political character of the Secretary of State as well as the President, some secretaries having been more active participants in dispensing patronage than others.

The applications under General Washington, being wholly of historical interest, were, in 1909, deposited by the Department in the Manuscripts Division of the Library of Congress.

It was a custom begun by General Washington and generally observed thereafter until President Cleveland's second term in 1898 to answer no letters soliciting or recommending to office.¹⁴ Since then the correspondence on the Department's part has taken the briefest form being no more than a line of acknowledgment of the receipt of the papers.

GAILLARD HUNT.

[The next section will continue the inquiry into the duties of the Department.]

¹⁴ Works of John Adams, IX, 577; Writings of Jefferson (Ford), IX, 313.